

Docket No. F-8098

Ser. No. 10/751,378

REMARKS

The above amendments and following remarks are responsive to the Office Action of November 17, 2004. Reconsideration of the application and a notice of allowance are earnestly solicited.

The Examiner has rejected claims 1-5 as being anticipated under 35 U.S.C. §102 (b) or alternatively as being unpatentable under 35 U.S.C. §103 (a) over JP 11-200956. Claims 1-5 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over JP' 956 as modified by Charlton (U.S. Patent No. 5,732,688) or Malatto et al. (U.S. Patent No. 6,340,006 B1).

Applicant traverses the above rejections as follows.

The rejection under section 102 (b), however, cannot be maintained against any claim unless JP '256 teaches each limitation of the respective claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim" is found in the cited prior art reference). Furthermore, the rejections under section 103 (a) cannot be maintained against any claim unless the combination of cited references teaches each limitation in the respective claim. *In re Royka*, 490 F.2d 981 (CCPA 1974) (a prima face case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

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In comparison with JP '256, Charlton and Malatto with the present invention, Applicant asserts that the references fail to teach an expansion tank for absorbing expansion of the cooling medium liquid and maintaining a constant pressure within the heat exchanger. This component of the present invention is taught on page 8 of the application and has been amended into claims 1 and 2 in order to distinguish over the prior art. Accordingly, none of JP '256, Charlton and Malatto, nor a combination thereof, teaches each element of claims 1 and 2 and the rejections under § 102(b) and 103(a) have been overcome.

Applicant respectfully requests a three month extension of time for responding to the Office Action. **The fee of \$1020.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

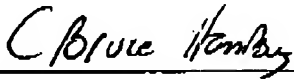
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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